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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

IN RE: ACTOS ® (PIOGLITAZONE)  
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

This Document Applies To:

GREG BOWERMAN, INDIVIDUALLY  
AND AS A CLASS REPRESENTATIVE  
ON BEHALF OF ALL TAXPAYERS  
WITHIN THE STATE OF ARKANSAS

JUDGE DOHERTY

VERSUS

TAKEDA PHARMACEUTICALS  
NORTH AMERICA, INC., ET AL.  
CASE NO. 12-CV-01590

MAGISTRATE JUDGE HANNA

**MEMORANDUM RULING**

The Defendants filed a Motion to Dismiss for Failure to State a Claim in this matter on May 31, 2013.<sup>1</sup> By Memorandum and Certification Order issued on November 7, 2013, this Court certified two questions to the Arkansas Supreme Court,<sup>2</sup> and deferred its ruling on the Defendants' motion.<sup>3</sup>

The Arkansas Supreme Court has ruled that, under the facts as alleged by Mr. Bowerman in this matter, Arkansas does not recognize a claim for illegal exaction and, therefore, Mr. Bowerman's claim fails as a matter of Arkansas law.<sup>4</sup> This Court adopts herein the ruling of the Arkansas Supreme Court and finds that Mr. Bowerman has failed to state a claim of illegal exaction upon which relief can be granted under the facts as alleged.

<sup>1</sup> Rec. Doc. 98; MDL Rec. Doc. 2793.

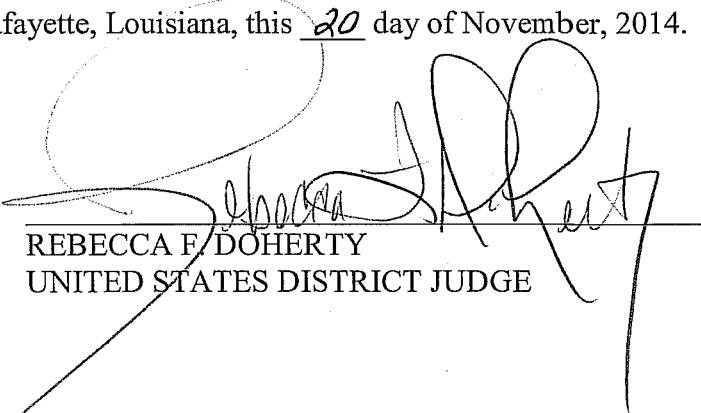
<sup>2</sup> Rec. Doc. 170; MDL Rec. Doc. 3563

<sup>3</sup> Rec. Doc. 171; MDL rec. Doc. 3564.

<sup>4</sup> Rec. Doc. 193; MDL Rec. Doc. 4824, at 6.

Considering the motion and associated briefs, and for the reasons more fully set forth in this Court's Memorandum and Certification Order,<sup>5</sup> and for the reasons set forth by the Arkansas Supreme Court in its Answer to Certified Questions,<sup>6</sup> which are adopted herein, Defendants' Motion to Dismiss for Failure to State a Claim<sup>7</sup> shall be GRANTED.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 20 day of November, 2014.



REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> Rec. Doc. 170; MDL Rec. Doc. 3563.

<sup>6</sup> Rec. Doc. 193; MDL Rec. Doc. 4824.

<sup>7</sup> Rec. Doc. 98; MDL Rec. Doc. 2793.